

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

SEPTEMBER 2, 2003

MINUTES

1. Call to Order

Mayor Simpson called the meeting to order at 5:30 p.m. and announced a quorum was present. Those present were: Mayor Simpson, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member Allen, Council member West, Council member Joyner and Council member Felker.

Staff present were: City Manager George Purefoy, Deputy City Manager Henry Hill, Assistant City Manager Jason Gray, Assistant City Manager Scott Young, City Secretary Nan Parker, City Attorney Richard Abernathy, Director of Planning and Development Services John Lettelleir, Director of Engineering Cissy Sylo.

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Deputy Mayor Pro-Tem Lafata moved to recess into Closed Session at 5:30 p.m. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Mayor Simpson announced the City Council was in Closed Session as authorized by the L.G.C. at 5:30 p.m., to wit:

- 1) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
 - (1) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located: south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289; south of FM 3537, north of Warren Parkway, east of Dallas North Tollway, and west of Hillcrest Road.
 - (II) Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional

Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:

Boundary Issues with McKinney and The Colony,

(III) Cause No. 5-643-02; City of Frisco, Texas vs. H. Roger Lawler and Frisco Master Plan, L.P., in County Court at Law No. 5, Collin County, Texas.

In addition the Council recessed to discuss Items 9K, 9L and No. 19 for discussion with the Attorney for the City, as authorized by Article 551.071 for Private Consultation with the Attorney for the City.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Mayor Pro-Tem Maso moved to reconvene into Regular Session at 6:35 p.m. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

There was no action taken as a result of the Closed Session.

4. Proclamations.

Mayor Simpson presented Proclamations for the following:

- Katie Willman Day
- Mental Illness and Substance Abuse Recovery Month
- Constitution Week

5. Invocation.

Wayne Braudrick, Frisco Bible Church, offered the prayer.

6. Pledge of Allegiance.

Aidan Conom, a 2-year-old boy, led the audience in the Pledge of Allegiance.

7. Citizen Input. (To begin approximately at 7:30 p.m.)

Tiffany Witter, publisher was present to address the Council regarding her publication *Discover Frisco*. She stated that she has resided in Frisco for four years and felt that there has been a need for a shopping, entertainment and information resource for Frisco. Discussion only, no formal action was taken.

8. Reports.

- City Secretary Quarterly Reports
- Engineering Monthly Report

- Parks and Recreation Monthly Report
- Planning & Development Monthly Report (JL)
- ISD Quarterly Improvement Projects Report (JL)
- Project Status Tracking Reports

9. Consent Agenda:

The Consent Agenda was considered for approval. Mayor Pro-Tem Maso moved to pull 9E for separate discussion. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0. Deputy Mayor Pro-Tem Lafata moved to pull 9S for separate discussion. Council member Felker seconded the Motion. Motion carried. Vote: 6-0. Council member Felker to pull 9M for separate discussion. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve the Consent Agenda, excluding items E., K. and S. Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

A. Approval of the Minutes of the Regular City Council Meeting held on August 19, 2003. (City Secretary)

B. Approval of the Minutes of the City Council Work Session held on August 12, 2003. (City Secretary)

C. Approval of the Minutes of the City Council Special Called Work Session held on August 12, 2003. (City Secretary)

D. Approval of the Minutes of the HHPA Special Called City Council Meeting held on August 19, 2003. (City Secretary)

E. Mayor Pro-Tem Maso moved to adopt **Resolution No. 03-09-154R** therein nominating Ron Carlisle to the Board of Directors for the Central Appraisal District. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0. (City Secretary) Separate discussion regarding the casting of votes for Ron Carlisle in conjunction with Frisco ISD. Mr. Carlisle, should he be elected will be asked to report back to the City Council periodically.

F. Approval of tax refunds over \$500.00. (Administrative Services)

G. Approval of the Purchase of seven (7) Mobile Data Computer Systems, for the replacement of existing equipment, from Integrated Computer Systems, Inc. in the amount of \$62,268.00. (Police)

H. Approval of the purchase of Client Access Licenses for City Computers from Clone Computer in the amount of \$30,092.00. (IT)

I. Rejection of bid for Construction Services for Frisco Square, Phase 1: Lighting, Landscaping, Irrigation and Sidewalks. (Engineering)

J. Rejection of all bids for Landscape Improvements to the Frisco Sports Complex. (Engineering)

K. Adoption of **Resolution No. 03-09-155R** therein authorizing the City Manager to execute a contract with Southwestern Bell Communications for utility relocates on Main Street and approve related expenditures in the amount of \$125,259.00. (Engineering) Pulled for separation discussion. Council member Felker moved to adopt the resolution. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

L. Adoption of **Resolution No. 03-09-156R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Lee Engineering, LLC for Traffic Design Services for the intersection of Legacy Drive and Lebanon Road. (Engineering)

M. Adoption of **Resolution No. 03-09-157R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Kimley-Horn and Associates, Inc. for the development of a Transportation Model of the City of Frisco in the amount of \$87,310.00. (Engineering)

N. Adoption of **Resolution No. 03-09-158R** Award of bid to Construction and Utility Support Group, LLC in the amount of \$90,419.11 for construction Services for Traffic Signals at SH 289/Eldorado Parkway and FM 3537/Coit Road. (Engineering)

O. Approval of furniture purchase from McKinney Office Supply in the amount of \$32,130.25 for new Senior Center. (Parks and Recreation)

P. Approval of Change Order Number 1 in the amount of \$5,000.00 to the consulting contract with HBC/Terracon for the new Senior Center. (Parks and Recreation)

Q. Approval of Change Orders No. 1, 2, and 3 in the amount of \$30,458.00 and the addition of six (6) days to the contract with Lee Lewis Construction, Inc. for the new Senior Center. (Parks and Recreation)

R. Approval of Change Order Number 1 in the amount of \$5,750.00 to the contract for professional services with Carter and Burgess for the preparation of construction documents for Preston Manor Park. (Parks and Recreation)

S. Adoption of **Resolution No.03-09-159R** therein authorizing the City Manager to execute a contract with GGO Architects for L.E.E.D. consulting for the Police Holding Facility, City Hall/Library and Recreation/Aquatic Facility projects.

(Engineering) The item was pulled for separate discussion. Following discussion, Deputy Mayor Pro-Tem Lafata moved to adopt the resolution authorizing the City Manager to execute the above referenced contract. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

T. Adoption of Resolution **No.03-09-160R** therein authorizing the City Manager to execute an Additional Services Agreement with PGAL Architects to provide Geotechnical services for the Police Holding Facility. (Engineering)

END OF CONSENT AGENDA

10. Legislative Agenda

The Legislative Agenda was considered for approval. Deputy Mayor Pro-Tem Lafata moved to approve the Legislative Agenda as presented. Council member West seconded the Motion. Motion carried. Vote: 6-0.

A. Adoption of **Ordinance No. 03-09-73** to amend Planned Development-173-Retail/Office-2/Information and Technology on 116.7± acres located at the southwest corner of Main Street and the Dallas Parkway. Neighborhood #40. Applicant(s): Oakmont Capital Group, Inc. Zoning Case Z03-0015 (Planning & Development).

B. Adoption of **Ordinance No. 03-09-74** for Specific Use Permit SUP03-0011, A request for a Specific Use Permit for a Mini-Warehouse on one lot on 7.2± acres located at the southeast corner of Frisco Street and Technology Drive. Zoned Commercial-2. Neighborhood #46. Applicant(s): Frisco Storage Centers #2, L.P. (Planning & Development)

C. Adoption of **Ordinance No. 03-09-75** to rezone 17.5± acres at the northeast corner of C.R. 23 (future Panther Creek Parkway) and C.R. 71 (future Coit Road) from Agricultural to Retail. Neighborhood #5. Applicant(s): Cool Bear Partners, Ltd. Zoning Case Z03-0007. (Planning & Development)

D. Adoption of **Ordinance No. 03-09-76** to rezone 17.0± acres at the northeast corner of Stonebrook Parkway and Parkwood Boulevard from Planned Development-108-Multifamily (PD-108-MF) to Planned Development-Office-1 (PD-O-1). Neighborhood #20. Applicant(s): Parkwood Joint Venture. Zoning Case Z03-0016. (Planning & Development)

Regular Agenda:

11. Consider and act upon approval of a sign request in the median of Eldorado Parkway at the intersection with Preston Road. Applicant(s): Panther Creek Joint Ventures. Tabled 07/01/2003. (Planning & Development)

Staff recommended the item be **tabled until the September 16, 2003** agenda. Deputy Mayor Pro-Tem Lafata moved to continue to table the item until the September 16, 2003. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

12. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement with the Frisco Developers Council for the placement of kiosk signs identifying new housing communities. Tabled 8/6/03, 08/19/03 (Planning & Development)

Deputy Mayor Pro-Tem Lafata moved to remove the item from the table. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Scott Ingalls, Planning was present to address the Council regarding the agreement with the Frisco Developers Council for the placement of kiosk signs.

Council member Allen moved to adopt **Resolution No. 03-09-161R** therein authorizing the City Manager to execute an Agreement with the Frisco Developers Council for the placement of kiosk signs identifying new housing communities. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

13. Second Public Hearing on the City of Frisco Fiscal Year 2004 Annual Budget, including Frisco Economic Development Corporation Fiscal Year 2004 Budget and the Frisco Community Development Corporation Fiscal Year 2004 Budget. (Finance)

Assistant City Manager Jason Gray was present to address the Council and reviewed the proposed Fiscal Year 2004 Annual Budget, including the Frisco Economic Development Corporation Fiscal Year 2004 Annual Budget and the Frisco Community Development Corporation Fiscal Year 2004 Budget with the audience and the City Council.

Council member Allen moved to open the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Blain Rush, Joseph West, Shelley Clement, Brian Clement, David Sizer, Jean Span and Mr. Fall were present to speak against the budget. They had various questions regarding proposed expenditures.

There being no one else present to speak for or against the request, Council member Allen moved to close the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

14. Public Hearing of the City of Frisco Proposed Tax Rate. (Finance)

Council member Allen moved to open the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Blain Rush was present to speak against the increased tax rate. Deputy Mayor Pro-Tem Lafata moved to close the Public Hearing. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Mayor Simpson stated the Council will vote on the tax rate at the September 16, 2003 Regular City Council Meeting.

15. Public Hearing: Zoning Case Z03-0017, A request to amend Planned Development-28-Retail and Planned Development-28-Multifamily-1 to Planned Development-28-Retail-Office-2 and Planned Development-28-Office-2 on 26.2± acres located on the east side of the Dallas Parkway 900+ feet north of Warren Parkway. Zoned Planned Development-28-Retail and Planned Development-28-Multifamily-1. Neighborhood #30. Applicant(s): Sealy Co. (Planning & Development)

Deputy Mayor Pro-Tem Lafata moved to open the Public Hearing. Council member Felker seconded the Motion. Motion carried. Vote: 5-0

The staff stated the applicant requested the item be tabled until the October 7, 2003 Meeting.

Council member Allen moved to **table the item and continue the Public Hearing until October 7, 2003.** Council member West seconded the Motion. Motion carried. Vote: 6-0.

16. Public Hearing: Zoning Case Z03-0018, A request to amend the conceptual zoning exhibit "D" for Planned Development-25-Business Center on 10.8± acres located on the north side of Warren Parkway, 830± feet east of Parkwood Boulevard. Neighborhood #30. Applicant(s): Steve Roberts Custom Builders, Inc. (Planning & Development)

Scott Ingalls stated the applicant requested to develop the property for office development and remove the multi-family zoning.

Council member West moved to open the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Marty Brown, representing the applicant, was present to speak in favor of the request.

There being no one else present to speak for or against the request, Council member West moved to close the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen moved to approve the request. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

17. Public Hearing: Comprehensive Zoning Ordinance Amendment ZA03-0002 A request to amend the Comprehensive Zoning Ordinance regarding standards for the development of nonresidential and multifamily properties adjacent to creeks. Applicant(s): City of Frisco. (Planning & Development)

Scott Ingalls stated the zoning requirements currently have requirements in single family standards for the development of properties adjacent to creeks. Mr. Ingalls stated that the intent of the amendment is to allow the same standards for nonresidential and multifamily developments adjacent to the creeks.

Council member Allen moved to open the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to speak for or against the request, Council member West moved to close the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen moved to approve the request subject to the adoption of the ordinance amending the Zoning Ordinance. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

18. Consider and act upon a Resolution authorizing the City Manager to enter into an Agreement with HKS for Architectural Services for the Soccer Project. (City Manager's Office/SY)

Assistant City Manager Scott Young was present to address the Council regarding the need to enter into an Agreement with HKS for Architectural Services for the Soccer Project.

Following discussion, Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution No. 03-09-162R** therein authorizing the City Manager to enter into an Agreement with HKS for Architectural Services for the Soccer Project. Council member Felker seconded the Motion. Motion carried. Vote: 5-0. Council member Joyner had stepped down from the table for a moment without conflict of interest but for personal reasons.

19. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas, determining a public necessity to acquire certain property; giving notice of an official determination to acquire property for soccer complex; hereby authorizing the City Manager of the City of Frisco, Texas, to establish procedures for acquiring property; and appropriating funds. (City Manager's Office/SY)

Assistant City Manager Scott Young was present to address the Council regarding the public necessity to acquire certain property giving notice of an official determination to acquire property for soccer complex.

Following discussion, Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution No. 03-09-163R** therein determining a public necessity to acquire property for the soccer complex. Council member Allen seconded the Motion. Voting Aye: Council member Allen, Council member West, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, and Council member Joyner. Voting Nay: Council member Felker. Motion carried. Vote: 5-1

20. Consider and act upon a recommendation from the Frisco Community Development Corporation and City Staff to accept the bid from Dean Electric, Inc. d/b/a Dean Construction in the amount of \$4,108,599.14 and adoption of a Resolution authorizing the City Manager to execute the construction contract for McKinney Road Park. (Parks and Recreation)

Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution No. 03-09-164R** therein authorizing the City Manager to execute the construction contract for McKinney Road Park by and between the City of Frisco and Dean Electric d/b/a Dean Construction in the amount of \$4,108,599.14. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

21. Consider and act upon a Resolution authorizing the City Manager to enter into a Development Agreement by and between the City of Frisco and D.R. Horton-Texas, Ltd. regarding Queen's Gate property. (City Manager's Office/ SY)

Council member Felker moved to adopt **Resolution No. 03-09-165R** therein into a Development Agreement by and between the City of Frisco and D.R. Horton-Texas, Ltd. regarding Queen's Gate property. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

22. Discussion of Board Appointment process. (City Secretary/City Council/JW)

City Secretary Nan Parker discussed possible changes to the Board Appointment process. Ms. Parker stated that she and Council member West had met and had some suggested amendments. Discussion only, no formal action was taken.

23. Consider and act upon a Lease Agreement by and between the City of Frisco and the Kurt Thomas Gymnastics Center. Tabled 08/19/03 (City Manager)

Deputy Mayor Pro-Tem Lafata requested the item be removed from the table. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro-Tem Lafata requested the Council recess into Closed Session at 10:00 a.m. as authorized by Article 551.071 for Private Consultation with the Attorney for the City. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Council member Joyner to reconvene into open session. Council member Felker seconded the Motion. Motion carried. Vote: 5-0. Deputy Mayor Pro-Tem Lafata was late getting back to the table.

Council member Joyner moved to adopt **Resolution No. 03-09-166R** therein authorizing the City Manager to execute the Lease Agreement by and between the City of Frisco and KTTC, Inc. subject to preparation of the draft agreement by the City Attorney and subject to the agreement to the amendment of the StarCenter Lease Agreement by and between the City of Frisco and Southwest Sports Group. Council member West seconded the Motion. Motion carried. Vote: 6-0.

24. Consider and act upon an amendment to the StarCenter Lease Agreement by and between the City of Frisco and Southwest Sports Group. Tabled 08/19/03 (City Manager)

Mr. Purefoy stated that they had reached a verbal agreement with Mr. Kramer today. Council member Joyner moved to **table** the item until the September 16, 2003 Meeting. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

25. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission

on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

No action was taken.

SP1. Consider and act upon a Resolution to determine a public necessity to acquire certain property; giving notice of an official determination to acquire property for right of way for SH 289; hereby authorizing the City Manager of the City of Frisco, Texas to establish procedures for acquiring property; and appropriating funds. (City Manager's Office/SY)

Council member West moved to adopt **Resolution No. 03-09-167R** therein determining a public necessity to acquire certain property; giving notice of an official determination to acquire property for right of way for SH 289; hereby authorizing the City Manager of the City of Frisco, Texas to establish procedures for acquiring property; and appropriating funds. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

26. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Council member West and Nan Parker to get back to Council with Board Appointments.

27. Discussion on Governance Monitoring of present City Council Meeting.

Council member Felker satisfactory in most accounts. Remain more consistent with public hearings. Budget was very long, however there were many people who returned to the podium more than once.

28. Adjourn.

There being no additional business, the meeting was adjourned at 11:20 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary, TRMC